

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

LINDA CLARK,

Plaintiff,

v.

JO ANNE B. BARNHART,
Commissioner of
Social Security,

Defendant.

Civil No. 04-1843-AS

ORDER

MARSH, Judge.

Magistrate Judge Donald C. Ashmanskas filed his Findings and Recommendation on November 17, 2005. The matter is now before me. See 28 U.S.C. § 636(b)(1)(B) and Fed. R. Civ P. 72(b). No objections have been timely filed. This relieves me of my obligation to give the factual findings de novo review. See §636(b)(1)(c); Simpson v. Lear Astronics Corp., 77 F.3d 1170, 1174-5 (9th Cir. 1996). Having reviewed the legal principles de novo, I find no error.

Accordingly, I ADOPT Magistrate Judge Ashmanskas' Findings

and Recommendation #12. The decision of the Commissioner is REVERSED AND REMANDED for further proceedings. Plaintiff's complaint (#1) is DISMISSED; all other motions are denied as moot.

IT IS SO ORDERED.

DATED this 12 day of December, 2005.

/s/ Malcolm F. Marsh
Malcolm F. Marsh
United States District Judge